

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

SAMUEL WILLIAMS,

Plaintiff,

v.

No. 91-2610-M1/A

SGT. ROBERT YARBROUGH,

Defendant.

ORDER DISMISSING CAUSE WITH PREJUDICE

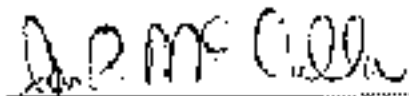
On December 10, 1991, Defendant Yarbrough filed a motion to dismiss or for sanctions based on plaintiff's failure to respond to interrogatories and request for production of documents propounded by the defendant to the plaintiff on August 27, 1991. Defendant had previously sought to compel discovery and an order had been entered by the magistrate judge on November 14, 1991, granting defendant's motion to compel and requiring the plaintiff to answer defendant's interrogatories and request for production of documents within twenty (20) days of the entry of that order. Additionally, the Court, in its order on motion to compel, stated "a failure to do so (answer interrogatories and respond to request for productions of documents within the time required) may result in sanctions pursuant to Federal Rule of Civil Procedure 37, including dismissal of the complaint herein."

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29 (c) FRCP on 8/21/92

On August 7, 1992, the Court entered an order for the plaintiff to show cause why this case should not be dismissed with prejudice because of the plaintiff's failure to comply with the magistrate judge's order compelling discovery and because of the plaintiff's failure to respond to the defendant's motion to dismiss.

Plaintiff has failed to show cause why this case should not be dismissed with prejudice for his failure to comply with the rules of the Court and the orders of the Court regarding discovery. See Local Rule 8(b); Order Granting Motion to Compel Discovery docketed November 18, 1991; Order to Show Cause entered August 7, 1992. For each of the independent grounds stated above, defendant's motion to dismiss should be, and is hereby, GRANTED and this cause is DISMISSED with prejudice.

SO ORDERED this 19th day of August, 1992.


JON PHIPPS McCALLA
UNITED STATES DISTRICT JUDGE